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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 GABRIEL ECKARD,

7 Plaintiff,

8 v.

9 PATRICIA THOMAS,

10 Defendant.

C19-669 TSZ

ORDER

11 THIS MATTER comes before the Court on (i) the Report and Recommendation
12 entered May 8, 2019, by the Honorable Brian A. Tsuchida, Chief United States
13 Magistrate Judge (“R&R No. 1”), docket no. 6; (ii) the Report and Recommendation
14 entered May 20, 2019, by the Honorable Brian A. Tsuchida, Chief United States
15 Magistrate Judge (“R&R No. 2”), docket no. 11; and (iii) a motion for extension and law
16 library access filed by plaintiff pro se Gabriel Eckard, docket no. 12. Having reviewed
17 R&R No. 1, R&R No. 2, plaintiff’s prior motions for extension and law library access,
18 docket nos. 7 and 8, Magistrate Judge Tsuchida’s Order entered May 17, 2019, docket
19 no. 10, denying plaintiff’s prior motion for extension, and plaintiff’s pending motion for
20 extension, the Court ORDERS as follows:

21 (1) Plaintiff’s motion for extension and law library access, docket no. 12, is
22 DENIED. On the same day that plaintiff’s motion was filed, May 28, 2019, the
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1 Snohomish County Superior Court denied a motion seeking similar relief, namely an
2 injunction directing the Snohomish County Corrections Bureau, which operates the
3 Snohomish County Jail, to cease the suspension of plaintiff's law library access. See
4 Order on Motion RE Library Access, Washington v. Eckard, Snohomish County Superior
5 Court Case No. 16-1-02312-31 (filed May 28, 2019). According to the Snohomish
6 County Superior Court, plaintiff's law library access was curtailed from April 1 to
7 April 15, 2019, and again from May 10 to May 31, 2019, because plaintiff committed
8 infractions relating to the misuse of law library materials, including vandalization of the
9 law library computer. Id. The Snohomish County Superior Court found that the
10 Snohomish County Jail's decision to restrict plaintiff's access to law library facilities was
11 "a measured response that is logically tied to his misuse of a limited resource that is
12 important to him and to other inmates." Id. Plaintiff has had his opportunity to argue for
13 unfettered access to the law library, and he is bound by the Snohomish County Superior
14 Court's decision. This Court will not revisit the issue.

15 (2) In light of the Snohomish County Superior Court's Order, the Report and
16 Recommendation entered May 20, 2019, docket no. 11, is ADOPTED, and plaintiff's
17 motion for injunction ordering law library services, docket no. 8, is DENIED.

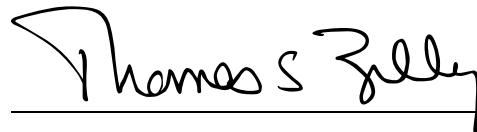
18 (3) Plaintiff has not timely filed any objection to R&R No. 1. The Court
19 recognizes that plaintiff unsuccessfully sought an extension of the deadline for filing
20 objections, but the Court agrees with Magistrate Judge Tsuchida that, given the nature of
21 his allegations in this matter, plaintiff's lack of access to Snohomish County Jail's law
22 library did not impede his ability to timely object to R&R No. 1. See Order (docket
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1 no. 10). The Snohomish County Jail's search of plaintiff's cell for a torn piece of towel
2 and subsequent denial of a towel to plaintiff for approximately a week, while upsetting to
3 plaintiff, simply do not rise to the level of Eighth Amendment violations. The Report and
4 Recommendation entered May 8, 2019, docket no. 6, is therefore ADOPTED, and
5 plaintiff's complaint under 42 U.S.C. § 1983 is DISMISSED with prejudice.

6 (4) The Clerk is DIRECTED to enter judgment consistent with this Order, to
7 send a copy of this Order and the Judgment to all counsel of record, plaintiff pro se, and
8 Magistrate Judge Tsuchida, and to CLOSE this case.

9 IT IS SO ORDERED.

10 Dated this 13th day of June, 2019.

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13 Thomas S. Zilly
14 United States District Judge
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